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Consideration of reports of States parties

List of issues in relation to the report submitted by the Russian Federation under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of the Russian Federation to the list of issues*

[Date received: 9 November 2017]

* The present document is being issued without formal editing.

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Replies to the list of issues to be taken up in connection with the consideration by the Committee on the Rights of the Child of the initial report of the Russian Federation on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Reply to question 1

1. No provision was made in State statistical reporting systems in the period 2014–2016 for gathering detailed information, disaggregated by sex, age, nationality, socioeconomic background and place of residence, on offences relating to the sale of children, child prostitution and child pornography.

Reply to question 2

2. The Main Information Analysis Centre of the Ministry of Internal Affairs, a federally funded institution, is the central body responsible for providing up-to-date records, operational and tracking data, criminalistics, fingerprint and statistical information, archival material and scientific and technical information to the Ministry's units and to public authorities of the Russian Federation and law enforcement agencies of foreign States under the established procedure.

3. Its terms of reference also include the establishment and maintenance of centralized registers and databases containing up-to-date records, operational and tracking data, and criminalistics, fingerprint and statistical information, including on offences relating to the sale of children, child prostitution and child pornography.

4. The available statistical data are provided in annex 1 to the present document.

Reply to question 3

5. The National Strategy on Action for Children 2012–2017 was approved pursuant to Presidential Decree No. 761 of 11 June 2012 with a view to the development of a national policy to improve the situation of children in the Russian Federation. The Strategy, which defines the main lines of action and goals of the national policy for children and the key implementation mechanisms, is based on universally recognized principles and norms of international law. Chapter 6 provides for:

- Comprehensive action to prevent negative influences on children
- New ways and means to combat child neglect, drug addiction, alcoholism, crime and prostitution
- The development of effective mechanisms to prevent deviant behaviour among children
- The design and roll-out of programmes to teach children and adolescents about safety online, prevent Internet addiction and avert the risk of children being drawn into illegal activity, pornography or participation in flash mobs
- The alignment of national legislation to protect the rights and interests of children with universally recognized principles and norms of international law, the international treaties to which the Russian Federation is a party and international standards in the field of children's rights, and also with the recommendations of the Council of Europe in its case law on children
- The development of a comprehensive national programme to prevent violence against children and rehabilitate child victims of violence

- The establishment of a not-for-profit partnership, the National Monitoring Centre to Assist Missing Children and Child Victims, in order to combine the efforts of the State and civil society to locate missing children and prevent and suppress violent and sexual offences, including those committed using information and communication networks, and to make inquiries conducted by investigative bodies into crimes against children more effective
- The implementation of the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, of 22 July 2005
- The establishment of a network of organizations that carry out psychological and social rehabilitation of child victims of violence and assist investigative bodies with inquiries into crimes against children

6. The Presidential Coordinating Council to implement the National Strategy on Action for Children 2012–2017 was established pursuant to Presidential Decree No. 1274 of 10 September 2012.

7. To implement the most important provisions of the Strategy, the Government, by Order No. 1916-r of 15 October 2012, approved a plan of priority action for the period up to 2014, further to which the following documents were drafted:

- A policy framework for the development in the period up to 2017 of a network of mediation services to implement restorative justice in respect of children, including those who commit socially dangerous acts but have not yet reached the age of criminal responsibility (approved by Government Order No. 1430-r of 30 July 2014)
- An outline of the national policy on the family for the period up to 2025 (approved by Government Order No. 1618-r of 25 August 2014)
- The principles of the national policy on youth for the period up to 2025 (approved by Government Order No. 2403-r of 29 November 2014)

8. A plan of action for the period 2015–2017 to implement the most important provisions of the Strategy has been developed and approved pursuant to Government Order No. 167-r of 5 February 2015.

Reply to question 4

9. The agencies responsible for the development and protection of the rights of the child in the Russian Federation are as follows:

(a) The Office of the Presidential Commissioner for Children's Rights, which, within the limits of its competence as set out in Presidential Decree No. 986 of 1 September 2009, ensures that children's rights and lawful interests are protected;

(b) The commissions on minors' issues and protecting the rights of minors, which work to prevent child neglect, child homelessness, offending and antisocial behaviour by minors, to identify and eliminate the causes and conditions that give rise to those phenomena, to ensure the protection of the rights and lawful interests of minors and the social and educational rehabilitation of minors who are at social risk, and to identify and reduce cases in which minors are drawn into crime and antisocial behaviour.

10. The Presidential Coordinating Council to implement the National Strategy on Action for Children 2012–2017, established pursuant to Presidential Decree No. 1274 of 10 September 2012, is an advisory and consultative body reporting to the President. It was formed in order to ensure coordination among the federal authorities, the authorities of the constituent entities of the Russian Federation, local government bodies, civil society associations and scientific and other organizations in the consideration of issues related to the Strategy's implementation.

11. The Government Commission on Minors' Issues and Protecting the Rights of Minors, formed pursuant to Government Decision No. 272 of 6 May 2006, has been operational since 2006. Its main tasks are as follows:

(a) Coordinating the activities of federal executive bodies and executive bodies of the constituent entities of the Russian Federation with regard to the implementation of national legislation to prevent child neglect and juvenile delinquency and protect the rights of minors;

(b) Developing coordinated approaches to address the main issues in connection with the priority lines of action to prevent child neglect and juvenile delinquency and protect the rights of minors;

(c) Developing proposals and recommendations addressed to agencies and institutions forming part of the child neglect and juvenile delinquency prevention system on issues relating to the prevention of child neglect and juvenile delinquency and the protection of the rights of minors, and providing organizational and methodological support to the activities of federal executive bodies in that area;

(d) Organizing the implementation at federal level of interdepartmental measures to address issues relating to the prevention of child neglect and juvenile delinquency and the protection of the rights of minors;

(e) Keeping the Government of the Russian Federation informed of its activities.

12. Government Decision No. 995 of 6 November 2013 approving the Model Regulations on commissions on minors' issues and protecting the rights of minors is the main document defining the tasks, powers and structure of such commissions in the constituent entities of the Russian Federation and the procedure for their establishment and functioning.

13. The system of commissions in the constituent entities of the Russian Federation consists of:

- Commissions set up by the executive bodies of the constituent entities at the highest level, which operate within the territories of those entities
- Commissions set up by local government bodies, which operate within the municipalities of the constituent entities, that is, district or municipal commissions in towns.

Reply to question 5

14. Pursuant to Presidential Decree No. 986 of 1 September 2009 on the Presidential Commissioner for Children's Rights, the Commissioner has been granted the right, in fulfilling her duties, to:

- Request and obtain, in the established manner, the necessary information, documents and materials from federal authorities, authorities of the constituent entities of the Russian Federation, local government bodies, organizations and officials
- Visit federal authorities, authorities of the constituent entities of the Russian Federation, local government bodies and organizations unhindered
- Conduct inquiries, independently or with the competent authorities and officials, into the activities of federal executive bodies, authorities of the constituent entities of the Russian Federation and officials, and obtain appropriate explanations from them
- Submit conclusions to federal executive bodies, authorities of the constituent entities of the Russian Federation, local government bodies and officials concerning decisions and acts (or omissions) that the Commissioner considers violate children's rights and interests, with recommendations on possible and necessary measures to restore those rights and interests

15. The Commissioner receives communications from members of the public concerning missing children; about half of these cases are related to disputes over children's upbringing between parents who live apart. Taking this into account, the Commissioner, in accordance with the legislation currently in force, forwards these

enquiries to the competent authorities and requests them to update her on the progress made in locating the missing children and to take the necessary measures to establish their whereabouts.

16. The Commissioner for Children's Rights takes part in the coordination of proposals, notes and revisions affecting draft federal legislation prepared at her initiative or with her direct participation, for example:

(1) Draft act No. 113185-6 on the amendment of article 242.1 of the Criminal Code in order to combat the circulation of pornography involving minors and/or to minors and article 151 of the Code of Criminal Procedure, which was put forward by a number of deputies of the State Duma and a member of the Federation Council. In accordance with the Act, which was adopted pursuant to Federal Act No. 199-FZ of 23 June 2016, a legal definition of "child pornography" was added to article 242.1 of the Code covering any representation or description for sexual purposes of a minor engaged in real or simulated sexual intercourse or other acts of a sexual nature and any representation or description of similar acts perpetrated upon a child or with his or her participation or committed by an adult pretending to be a child. The Act excludes from the definition materials or articles containing representations or descriptions of the sexual parts of a child where such materials or articles are of special historic, artistic or cultural value, are used in science or medicine, or are intended for use in teaching or education under the procedure established by law;

(2) Draft act No. 822714-6 on the amendment of articles 135 and 242.1 of the Criminal Code in order to clarify the norms with regard to criminal liability for sexual offences against minors committed using information and communication networks. The draft act provides for use of information and communication networks to be included in article 135 (3) of the Code as one of the indicia of the offence "Lewd acts", punishable by deprivation of liberty for a term of from 5 to 12 years, with an additional penalty of forfeiture of the right to occupy certain posts or engage in certain activities for up to 20 years. The adoption of the amendments proposed in the draft act will enable the risk of children being corrupted online to be attenuated and the number of offences involving sexual violence against or sexual exploitation of children to be reduced.

17. In 2013, a new type of offence was introduced in the Criminal Code, in article 240.1, namely, receiving sexual services from a minor aged over 16 and under 18 where the perpetrator has reached 18 years of age.

18. Every year, the Commissioner for Children's Rights holds conferences for her counterparts in the constituent entities of the Russian Federation. A coordinating council has been established under the Commissioner to which the commissioners for children's rights of the constituent entities may submit, for discussion and elaboration, proposals to refine the legislation currently in force.

19. In June 2015, a joint order of the Ministry of Internal Affairs, Office of the Procurator General and Investigative Committee of the Russian Federation was approved setting out the procedure for handling crime reports and other information about incidents connected with a disappearance; under the procedure, when a minor goes missing, a criminal case must be opened without delay and a whole range of inquiries carried out.

20. Article 127.1 (2) of the Criminal Code was amended pursuant to Federal Act No. 14-FZ of 29 February 2012 to remove the provision stating that the victim of the offence dealt with in the article must have been known by the perpetrator to be a minor.

21. Pursuant to Federal Act No. 58-FZ of 5 April 2013, amendments were made to Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees for the Rights of the Child in the Russian Federation introducing the concepts of "sale of children", "victim of the sale of children" and "exploitation of children"; article 14.2 of the Act provides for measures to combat the sale of children and the exploitation of children.

Reply to question 6

22. As stated in article 38 (2) of the Family Code, parents have equal rights and responsibilities with regard to the care and upbringing of children.

23. Children have the right to protection from abuse by their parents or persons in loco parentis.

24. When a child's rights and lawful interests are violated, including in cases where one or both parents fail to perform, or to properly perform, their duties with regard to the upbringing and education of the child or abuse their parental rights, the child has the right independently to apply for protection from the tutorship or guardianship authority and, if the child has reached 18 years of age, from a court.

25. In accordance with article 69 of the Family Code, one or both parents may be deprived of their parental rights if they avoid fulfilling their parental responsibilities, including by persistently refusing to make maintenance payments; refuse without good reason to take their child from a maternity hospital or ward or another medical establishment or a social welfare institution or similar organization; abuse their parental rights; ill-treat their children, in particular by subjecting them to physical or mental violence or infringing their sexual inviolability; suffer from chronic alcoholism or drug addiction; or commit an intentional criminal offence against the life or health of their children or spouse.

26. Failure by the parents or other legal representatives of a minor to perform their duties with regard to the minor's upkeep and upbringing incurs administrative liability, as set out in article 5.35 of the Code of Administrative Offences.

27. National legislation provides for criminal liability in cases where failure to perform, or to properly perform, duties with regard to the upbringing of a minor by a parent or other person entrusted with those duties is accompanied by cruel treatment.

28. There are various articles of the Criminal Code that stipulate higher penalties for the commission of offences against minors.

29. The Code of Criminal Procedure establishes certain legal safeguards to ensure that the rights of minors who are victims of a crime are observed, in particular the requirement that investigative acts must be conducted in the presence of a legal representative of the minor, a psychologist or an educator.

30. It is therefore essential to establish the age of the victim when the preliminary investigation is carried out.

31. If there are no documents confirming the age of the victim or if the documents available give rise to doubt, a forensic examination must be ordered pursuant to article 196 (5) of the Code.

32. The law does not directly establish an age of consent.

33. At the same time, article 134 of the Criminal Code (Sexual intercourse and other acts of a sexual nature with a person under the age of 16) provides for liability for engaging in sexual relations with a person under the age of 16. In accordance with the note to the article, an individual who commits this offence for the first time may be exempted from punishment by the courts if it is established that neither the individual nor the crime committed continue to present a danger to society because the perpetrator has married the victim.

34. Furthermore, article 240 of the Code establishes liability for receiving sexual services from a minor aged over 16 and under 18 where the perpetrator has reached 18 years of age.

35. The development of international cooperation among law enforcement agencies in combating sexual exploitation and sexual abuse, including of minors, is especially important given the open borders within the Commonwealth of Independent States (CIS), the existence of visa-free travel between certain States and the significant migratory flows.

36. The Russian Federation has concluded intergovernmental and interdepartmental agreements on cooperation in fighting crime, including offences linked to sexual exploitation, with more than 60 countries.

37. Tackling these offences is one of the subjects discussed in multilateral forums such as the Commonwealth, the Shanghai Cooperation Organization (SCO), the European Police Office (Europol), the International Criminal Police Organization (INTERPOL) and other major international organizations.

38. The Agreement between the CIS Member States on Inter-State Tracing of Persons was ratified (Federal Act No. 87-FZ of 5 May 2014) on the initiative of the Ministry of Internal Affairs of the Russian Federation, with the involvement of the Ministry of Foreign Affairs, as part of efforts to develop international cooperation; the Agreement has helped to make tracing more effective across the Commonwealth.

39. In the Russian Federation, a legal framework has been established for the participation of children in decisions that affect their interests, and there are children's and young people's voluntary associations and youth councils, chambers and parliaments. Pupil governing bodies have been formed and are active in most schools. Many constituent entities of the Russian Federation have become involved in the implementation of the global Child-Friendly Cities Initiative of the United Nations Children's Fund (UNICEF), one goal of which is to expand children's participation in the protection of their rights and in decisions affecting their interests.

40. As part of a national information campaign, a nationwide movement, Russia without Child Abuse, has been set up, along with a web portal on responsible parenting (www.ya-roditel.ru), where information is posted about various aspects of raising children without violence and about regional assistance centres for families and children, and parents are being given counselling on the psychological dimensions of child-rearing.

41. Helplines operating at federal level include the following:

- The 8-800-2000-122 single national helpline for children
- The Children Online helpline (www.detionline.com/)
- The hotline of the "Nedopusti!" project (http://nedopusti.ru/)
- The Safer Internet Centre hotline (http://saferunet.org/)
- The Safe Internet League hotline (www.ligainternet.ru/)

42. In addition, an extensive network of telephone helplines has been organized in the constituent entities of the Russian Federation and the municipalities. All of them enable callers to seek help and receive advice confidentially.

43. Financing, including through the establishment of foundations, projects and programmes implemented by civil society and aimed at protecting children from sexual exploitation and abuse, is carried out in various ways: by providing economic support from public authorities and local government bodies to relevant not-for-profit organizations; and by funding measures implemented in the context of targeted federal, regional and municipal programmes. A specific example is "Nedopusti!", a project to protect children from abduction, unlawful exploitation and cruel treatment, which is financed using monies from the presidential programme to provide State support to not-for-profit non-governmental organizations (NGOs) taking part in the development of civil society institutions and from monies allocated by the Federal Press and Mass Communication Agency.

44. The Federal State educational standards for secondary (complete) general education, approved by Ministry of Education and Science Order No. 413 of 17 May 2012, set out a list of compulsory areas of study that educational establishments must incorporate in their curricula, including in specialized and individual study plans. They include "Fundamentals of living safely" (foundation level), as part of which pupils are taught about basic safety measures and rules of conduct in hazardous situations and emergencies and acquire other knowledge and skills, relating to protection from the risk of sexual exploitation and abuse, including the risks associated with using new information and communication technologies.

45. Every year, the Ministry of Internal Affairs organizes nationwide public events at local agencies in the regions under the banner "The police – watching over our children"; these events, timed to coincide with International Child Helpline Day, are aimed at preventing family dysfunction and helping and supporting children in difficulty.

46. The child helpline responds to every call received. Members of the public who call the helpline are given information on the legal aspects of child-parent, family and other relationships, and, in some cases, emergency psychological and other assistance is provided.

47. As part of these efforts, further to a decision adopted on 19 March 2014 by the Government Commission on the implementation of Federal Act No. 324-FZ on Free Legal Assistance, legal information and advice sessions were organized for children and adolescents in the constituent entities of the Russian Federation, at secondary schools, affiliated children's homes and temporary detention centres for young offenders run by local agencies of the Ministry of Internal Affairs, as well as sessions for dysfunctional families and children in difficulty at which their rights and responsibilities were explained to them, along with the administrative and criminal penalties imposable for breaking the law.

48. Federal Act No. 182-FZ of 23 June 2016 on the Fundamentals of the Crime Prevention System establishes the legal and institutional foundations of the crime prevention system, the general rules for its functioning, the basic principles, areas of work and types and forms of activity with regard to crime prevention, and the mandates, rights and duties of crime prevention stakeholders. Article 24 of the Federal Act provides that efforts to prevent child neglect and child homelessness should focus on social integration, involving a range of measures aimed at assisting persons in difficulty, enabling them to exercise their constitutional rights and freedoms, and helping them to find work and housing.

49. The priorities with regard to crime prevention are legal education, promotion of healthy lifestyles and prevention of antisocial trends among pupils.

50. In accordance with article 14 of Federal Act No. 120-FZ on the Fundamentals of the System for the Prevention of Child Neglect and Juvenile Delinquency, the Ministry of Education and Science and the agencies and organizations of the education system, within the limits of their competence, are involved in the implementation of a range of measures to prevent child neglect and offending by and against minors.

51. A comprehensive educational programme has been instituted in educational establishments in the constituent entities of the Russian Federation encompassing, inter alia, measures to promote law-abiding behaviour, values and moral views among pupils and to prevent deviant behaviour and delinquency among children and adolescents.

52. A significant role in efforts to prevent offending among pupils is played by school prevention councils, which consider issues relating to the placement on schools' internal registers of pupils who break school rules and parents who are not fully performing their parental duties; the sociopedagogical rehabilitation of pupils and families who are on the registers of internal affairs agencies and commissions on minors' issues and protecting the rights of minors; and the provision of summer and leisure activities for pupils in extracurricular organizations.

53. The school prevention councils organize preventive activities with pupils.

54. Departments cooperate to address the early prevention of antisocial trends among adolescents and the identification of minors prone to commit unlawful acts.

55. Children's safety constitutes a fundamental guarantee for the nation's demographic stability and a key benchmark for the education system. Accordingly, preventing drug addiction, alcoholism and smoking among adolescents is an unquestionable priority in prevention work and occupies a crucial place among measures to preserve and improve children and young people's health and ensure that they live safely.

56. A number of regions have acquired positive experience of interdepartmental cooperation to prevent the non-medical use of narcotic drugs and psychotropic substances.

57. In addition to the information provided in paragraph 185 of the initial report of the Russian Federation, it should be noted that failure to perform, or to properly perform, duties with regard to the upbringing of a minor by parents or other persons entrusted with those duties, or by teaching staff or other workers in educational or medical establishments, organizations providing social services or other organizations responsible for supervising minors, constitutes an offence under article 156 of the Criminal Code if accompanied by cruel treatment.

Reply to question 7

58. Pursuant to article 15.1 of Federal Act No. 149-FZ of 27 July 2006 on Information, Information Technologies and Data Protection, a single computerized information system has been created — the Consolidated Register of domain names, URLs and IP addresses identifying websites which contain information that may not be disseminated in the Russian Federation — so that access to such websites can be restricted.

59. The creation, development and maintenance of the Register are among the responsibilities of the Federal Service for the Supervision of Telecommunication, Information Technologies and Mass Communications.

60. Domain names, URLs and IP addresses of websites which contain information that may not be disseminated in the Russian Federation are included in the Register on the basis of decisions by the competent authorities (the Ministry of Internal Affairs, the Federal Service for the Supervision of Telecommunication, Information Technologies and Mass Communications, the Federal Service for the Supervision of Consumer Rights and Human Welfare Protection and the Federal Tax Service) and final decisions by the courts declaring the dissemination of particular information in the territory of the Russian Federation to be prohibited.

61. Information that may not be disseminated includes material containing pornographic representations of minors and information about narcotic drugs and psychotropic substances, suicide and games of chance.

62. Paragraph 6 (a) of the Rules for the creation, development and maintenance of the Register, which were approved by Government Decision No. 1101 of 26 October 2012, establishes that the Federal Service for the Supervision of Telecommunication, Information Technologies and Mass Communications may decide to prohibit the dissemination online in the territory of the Russian Federation of material containing pornographic representations of minors and/or publicity for the recruitment of minors to take part as performers in entertainment of a pornographic nature.

63. Since the creation of the Register, more than 469,000 communications concerning all the types of information referred to in article 15.1 of Federal Act No. 149-FZ have been processed and in the order of 50,000 court decisions, on the basis of which more than 248,000 and/or URLs [sic.] have been included in the Register.

64. There have been 35,424 decisions by the Federal Service and 9 final decisions by the courts prohibiting the dissemination in the territory of the Russian Federation of information about child pornography.

65. In exercising the powers conferred on the Federal Service by Federal Act No. 436-FZ of 29 December 2010 on the Protection of Children from Information Detrimental to Their Health and Development, the Federal Service's local agencies have since 2013 monitored 874,214 mass media outputs. During that period, 3,753 violations of the legislation on the protection of children from information detrimental to their health and development have been identified.

66. Since 2013, 1,381 reports have been drawn up of administrative offences under article 13.21 (2) of the Code of Administrative Offences, in connection with violations by the media of the procedure established for disseminating mass media outputs that contain information detrimental to children's health and development, and 1,053 reports of administrative offences involving violations of the procedure for declaring publication data.

67. In addition, in the context of the implementation of measures to protect children from information detrimental to their health and development, pursuant to articles 4 and 16 of the Mass Media Act, No. 2124-1 of 27 December 1991, 319 warnings have been issued for abuse of freedom of the press.

68. Of these warnings, 179 were issued for disseminating material containing uncensored bad language, 41 for disclosing information directly identifying a minor without the consent of the minor himself or herself and his or her legal representatives, 78 for disseminating information on means and methods of manufacturing and using narcotic drugs and on places where drugs can be obtained, 13 for promoting pornography and 8 for promoting a culture of violence and cruelty.

69. Furthermore, a federal act has been passed, No. 109-FZ of 7 June 2017, amending the Federal Act on the Fundamentals of the System for the Prevention of Child Neglect and Juvenile Delinquency and article 15.1 of the Federal Act on Information, Information Technologies and Data Protection with a view to the establishment of additional mechanisms to counter activities intended to trigger suicidal behaviour in children.

70. This Federal Act stipulates that the Federal Service must provide notification within 24 hours, through the coordination system of the Ministry of Internal Affairs, of decisions by State agencies concerning material disseminated online containing pornographic representations of minors and/or publicity for the recruitment of minors to take part as performers in entertainment of a pornographic nature, which decisions form the basis for additions to the Consolidated Register of domain names, URLs and IP addresses identifying websites which contain information that may not be disseminated in the Russian Federation.

71. By requiring the Federal Service to notify the internal affairs agencies, who can then react quickly and carry out the necessary inquiries into suspected criminal offences of disseminating prohibited information, the Act provides not only for criminal content to be blocked, but also for procedures to be implemented in order to rapidly identify the individuals responsible, suppress their activities and bring them to justice.

Reply to question 8

72. In the Russian Federation, ensuring the well-being and protection of children is recognized as a duty of the State, enshrined in articles 7 (2) and 38 (1) of the Constitution. This requires the development and conduct of an effective legal policy in this area, aimed at preventing discrimination against minors, consolidating the guarantees for their rights and lawful interests and restoring those rights in cases where they are violated, establishing legal frameworks guaranteeing the rights of the child, and protecting children from negative influences on their physical, intellectual, mental, spiritual and moral development.

73. These goals are set out in Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees for the Rights of the Child in the Russian Federation (art. 4 (1)) and are in line with the Declaration on the Rights of the Child (adopted by the General Assembly on 20 November 1959), in accordance with which: the child needs special safeguards and care, including appropriate legal protection (preamble); the child must enjoy special protection, and must be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity (principle 2); and the child must be protected against all forms of neglect, cruelty and exploitation (principle 9).

74. In 2013, Federal Act No. 124-FZ was amended to establish the duty of the federal authorities, the authorities of the constituent entities of the Russian Federation and local government bodies, within the limits of their competence, to take measures to counter the sale and exploitation of children.

75. The acts referred to in articles 2 and 3 of the Optional Protocol are covered under the criminal legislation currently in force in the Russian Federation, in particular articles 127.1, 127.2, 240, 240.1, 241, 242.1 and 242.2 of the Criminal Code.

76. The purchase and sale of persons, other transactions involving persons and the recruitment, transport, transfer, concealment or reception of persons for the purposes of their exploitation, where the victim is a minor, incur the penalties provided for in article 127 (2) (b) of the Code and constitute separate offences.

77. In accordance with article 127, exploitation means the use of persons to engage in prostitution, or other forms of sexual exploitation, slave labour or services, or servitude (Criminal Code, art. 127, note 2).

78. It should be noted that the penalties for the purchase or sale of a minor are greater than those for the same acts where the victim is an adult (Criminal Code, art. 127 (1)).

79. The Optional Protocol defines the sale of children as any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.

80. It defines child prostitution as the use of a child in sexual activities for remuneration or any other form of consideration. This act may constitute an offence under article 240 (Receiving sexual services from a minor), article 241 (2) (c) or (3) (Organizing prostitution) or article 242 (Using a minor for the purposes of producing pornographic materials or articles) of the Criminal Code.

81. In accordance with article 240 of the Code, receiving sexual services from a minor aged over 16 and under 18 is a criminal offence where the perpetrator has reached 18 years of age.

82. In article 240, sexual services are understood to mean sexual intercourse, sodomy, lesbianism or other acts of a sexual nature, a condition for the performance of which is monetary or any other remuneration of a minor or third party or the promise of remuneration of a minor or third party (Criminal Code, note to article 240).

83. Under article 241 of the Code, acts for the purpose of organizing the prostitution of others, keeping brothels and regularly providing premises for prostitution constitute criminal offences.

84. Where the offences specified in article 241 involve the use of a minor to engage in prostitution or of a person who has not reached 14 years of age, harsher penalties are established than for the basic offence.

85. Under article 242 of the Code, where the perpetrator has reached 18 years of age, photographing, filming or videoing a minor for the purposes of producing and/or distributing pornographic materials or articles and recruiting a minor to take part as a performer in entertainment of a pornographic nature constitute criminal offences.

86. In article 2 (c) of the Optional Protocol, child pornography is defined as any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

87. Pursuant to Federal Act No. 199-FZ of 23 June 2016, a note was added to article 242 (Production and circulation of materials or articles containing pornographic representations of minors) of the Criminal Code indicating, in paragraph 1, that, for the purposes of this article and article 242 (Using a minor for the purposes of producing pornographic materials or articles), materials or articles containing pornographic representations of minors are understood to mean materials or articles containing any representation or description for sexual purposes:

- Of the fully or partially exposed sexual parts of a minor
- Of a minor engaged in real or simulated sexual intercourse or other acts of a sexual nature
- Of sexual intercourse or other acts of a sexual nature perpetrated upon a minor or with his or her participation
- Of an adult pretending to be a minor engaged in real or simulated sexual intercourse or other acts of a sexual nature

88. At the same time, materials and articles containing representations or descriptions of the sexual parts of a minor do not constitute material or articles containing pornographic representations of minors where such materials or articles are of special historic, artistic or cultural value or are intended for use in science, medicine or education under the procedure established by federal law (Criminal Code, art. 242, note 2).

89. In accordance with article 3 (1) (a) of the Optional Protocol, in the context of sale of children as defined in article 2, each State party must ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

- Offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation of the child, transfer of organs of the child for profit or engagement of the child in forced labour
- Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption

90. Under the Criminal Code, depending on the circumstances, these acts may be categorized as coerced removal of human organs or tissue for transplantation (art. 120), sale of a minor or sale for the purposes of removal of the victim's organs or tissue, engagement of a minor in slave labour, or illegal adoption (art. 154).

91. In addition, in accordance with article 3 (1) (b) and (c) of the Optional Protocol, a State party's criminal or penal law must also cover:

- Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2 of the Protocol
- Producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography as defined in article 2

92. Under the Criminal Code, also depending on the circumstances, these acts may be categorized as recruitment of a minor to engage in prostitution (art. 240 (3)), receiving sexual services from a minor (art. 240), organizing prostitution involving the use of a minor to engage in prostitution (art. 241 (2) (c)), unlawful production and circulation of pornographic materials or articles (art. 242 (2) and (3)), production and circulation of materials or articles containing pornographic representations of minors (art. 242), or using a minor for the purposes of producing pornographic materials or articles (art. 242).

93. Furthermore, where multiple offences are committed, the perpetrator is held criminally liable for each one under the relevant article or paragraph of the Criminal Code.

94. Article 17 (1) of the Code defines multiple offences as two or more offences in respect of which no conviction has been handed down to the perpetrator, except in the cases provided for under the Special Part of the Code in which the commission of two or more offences constitutes an aggravating factor entailing harsher punishment.

95. Thus, the acts recognized as offences in articles 2 and 3 of the Optional Protocol are fully covered under the Criminal Code of the Russian Federation.

96. In accordance with article 3 (2) of the Optional Protocol, subject to the provisions of the national law of a State party, the same should apply to attempted commission of or complicity or participation in any of the above acts.

97. Under article 30 (2) of the Criminal Code, liability is incurred only for planning a serious or especially serious offence.

98. It should be noted that most of the aforementioned offences, if committed against minors, are categorized as serious or especially serious.

99. Article 3 (4) of the Optional Protocol states that, subject to the provisions of its national law, each State party should take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the article. Subject to the legal principles of the State party, such liability of legal persons may be criminal, civil or administrative.

100. Bearing in mind the specific nature of the Russian legal system and the requirements of article 19 of the Criminal Code, the goal of holding legal persons to account for unlawful acts is achieved by taking measures under administrative law.

101. The following steps were taken during the revision of Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees for the Rights of the Child in the Russian Federation to ensure that all the offences covered under the Optional Protocol were defined and prohibited.

102. Definitions of "sale of children", "exploitation of children" and "victim of the sale and/or exploitation of children" were included in article 1 of the Federal Act.

103. In accordance with article 9 (1) of the Criminal Code, however, the criminality and punishability of an act are determined by the criminal law in force at the time it was committed.

104. The criminal law of the Russian Federation consists of the Criminal Code. New laws providing for criminal liability have to be incorporated in the Code (Criminal Code, art. 1).

105. National legislation on the protection of the rights and freedoms of minors is constantly being refined in the light of the obligations of the Russian Federation arising from international treaties, the positive experience of foreign States and changes in the socioeconomic situation.

106. Thus, for example, pursuant to Federal Acts Nos. 14-FZ of 29 February 2012 and 185-FZ of 2 July 2013, commission of an offence against a minor by a parent or other person entrusted by law with duties with regard to the upbringing of the minor, or by teaching staff or other workers in educational or medical establishments, organizations providing social services or other organizations responsible for supervising minors, was included in article 63 of the Criminal Code as an aggravating factor.

107. In addition, pursuant to Federal Act No. 14-FZ of 29 February 2012, a note was added to article 131 of the Criminal Code stating that sexual intercourse, sodomy, lesbianism and other acts of a sexual nature, if committed without coercion or the threat or use of force against persons who have not reached 12 years of age, are categorized as violent offences against the sexual inviolability of a minor.

108. Federal Act No. 380-FZ of 28 December 2013 amending the Criminal Code and Code of Criminal Procedure was adopted as part of efforts to implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007. The Act established criminal liability for receiving sexual services from a minor aged over 16 and under 18 where the perpetrator has reached 18 years of age (Criminal Code, art. 240.1). This offence is within the purview of the Investigative Committee of the Russian Federation.

109. Federal Act No. 120-FZ of 7 June 2017 amending the Criminal Code and article 151 of the Code of Criminal Procedure was adopted with a view to the establishment of additional mechanisms to counter activities intended to trigger suicidal behaviour in children. In particular, the Federal Act established criminal liability for involving a minor in the commission of acts that endanger his or her life.

110. Federal Act No. 199-FZ of 23 June 2016 was adopted to amend article 242.1 of the Criminal Code in order to combat the circulation of pornography involving minors and/or to minors and article 151 of the Code of Criminal Procedure. The Federal Act introduced a definition of the concept of "materials or articles containing pornographic representations of minors".

111. Work is continuing on draft federal act No. 113190-6 on the amendment of article 6.11 of the Code of Administrative Offences (in order to specify the age of administrative liability for engaging in prostitution); a committee of the State Duma has been made responsible for work on the draft.

112. In order to safeguard the rights and lawful interests of child victims of criminal violence and to reduce the risk of retraumatization, measures are taken to lessen the adverse impact on such children of criminal proceedings. To that end, the number of investigative

acts undertaken with their involvement is kept to a minimum, psychological assistance is provided to them, and the necessary steps are taken to secure their fullest possible rehabilitation and to provide medical, psychological and social assistance to children's loved ones so that they are able to offer support as soon as possible.

113. Efforts to prevent crime, avert the growth of criminality and reduce delinquency are carried out by investigative bodies in cooperation with other law enforcement agencies, executive bodies, local government bodies and civil society organizations.

114. Currently, a plan of priority measures is being agreed for the period up to 2018 with a view the implementation of the National Strategy for Women 2017–2022, which was approved by Government Order No. 410-r of 8 March 2017.

115. The measures envisaged in the draft include the development of blueprints for the prevention of violence against women and children in the constituent entities of the Russian Federation. The expected outcome is a reduction in the scale of such violence. In particular, it is planned to make provision for the development of a procedure whereby women and children who are victims of trafficking in persons, sexual exploitation or sexual and other forms of violence can obtain the necessary psychological, medical and social assistance and for the prevention of child homelessness and juvenile delinquency.

116. To ensure that children who are victims of crime receive timely psychological help, local investigative agencies, in cooperation with the authorities of the constituent entities, are setting up special interview rooms for minors and establishing appropriate interdepartmental cooperation services and psychological, medical and social assistance centres.

117. The specialists employed in such centres seek to provide psychological help with overcoming stress and to reduce psychoemotional tension resulting from traumatic experiences, including being subjected to violence. Their work involves rehabilitation not only for children, but also for their parents or legal representatives; this allows the goals set to be achieved more quickly and ensures positive and effective outcomes. Individual and group counselling and training sessions are conducted for both parents and children.

118. Federal Act No. 442-FZ of 28 December 2013 on the Principles of Social Services in the Russian Federation entered into force on 1 January 2015. In accordance with article 15 of the Federal Act, citizens are deemed to be in need of social services if there is conflict in the family, including with persons addicted to drugs, alcohol or gambling or persons suffering from mental disorders, and also if there is violence in the family.

119. Thus, national legislation contains adequate provisions prohibiting and punishing all forms of violence against children, that is, acts or behaviour that may affect their physical or sexual inviolability or their liberty, dignity, development or psychological well-being.

Reply to question 9

120. Articles 11 and 12 of the Criminal Code define the scope of criminal law with respect to persons who commit offences in the territory of the Russian Federation and persons who commit offences outside the Russian Federation.

121. A person who commits an offence in the territory of the Russian Federation is held liable under the Criminal Code. Citizens of the Russian Federation and stateless persons permanently resident in the Russian Federation who commit offences outside the Russian Federation against interests protected by the Criminal Code incur liability under the Code, provided that no court in a foreign State has issued a ruling in respect of such persons regarding the offence in question.

122. Foreign citizens and stateless persons not permanently resident in the Russian Federation who commit an offence outside the Russian Federation incur liability under the Criminal Code in cases where the offence is directed against the interests of the Russian Federation or a citizen of the Russian Federation (irrespective of age) or a stateless person permanently resident in the Russian Federation, and also in cases provided for by an international treaty of the Russian Federation or another international instrument containing

obligations recognized by the Russian Federation in an area covered by the Criminal Code, provided that such foreign citizens and stateless persons not permanently resident in the Russian Federation have not been convicted in a foreign State and are prosecuted in the Russian Federation.

Reply to question 10

123. Federal Act No. 120-FZ of 24 June 1999 on the Fundamentals of the System for the Prevention of Child Neglect and Juvenile Delinquency governs issues relating to the protection of children in difficulty, among other matters.

124. It is established in article 12 (2) of the Federal Act that social services institutions, including local social assistance centres for families and children, psychological and educational assistance centres, emergency psychological assistance centres and other social services institutions, must, in accordance with their statutes or the regulations pertaining to them, provide social services to minors who are at social risk or are otherwise in difficulty, identify minors who are at social risk and families whose children are in need of social services and carry out social rehabilitation work with those persons, providing them with the necessary help in accordance with individual social rehabilitation programmes.

125. Specialized institutions for minors in need of social rehabilitation operated by social welfare agencies (social rehabilitation centres for minors, social shelters for children and assistance centres for children deprived of parental care) provide round-the-clock assistance for minors deprived of the care of their parents or legal representatives; minors living in families who are at social risk; lost or abandoned minors; minors who have of their own volition left their families or an institution for orphaned children; minors deprived of parental care who have no place of residence or stay and/or means of subsistence; and minors who are otherwise in difficulty and in need of social assistance and/or rehabilitation (Federal Act No. 120-FZ, art. 13).

126. Matters relating to the protection of children from information detrimental to their health and/or development, including information outputs containing such information, are governed by Federal Act No. 436-FZ of 29 December 2010 on the Protection of Children from Information Detrimental to Their Health and Development.

127. National legislation on criminal procedure provides adequate safeguards for the protection of the rights and lawful interests of minors who are victims or witnesses of crime.

128. As a general rule, under article 45 (2) of the Code of Criminal Procedure, in order to protect the rights and lawful interests of victims who are minors or who, because of their physical or mental state, are unable to defend their rights and lawful interests independently, the legal or other representatives of such persons are obliged to participate in criminal proceedings.

129. Also under article 45 (2), at the request of the legal representative of a minor aged under 16 who has been the victim of an offence against his or her sexual inviolability, the person conducting the initial inquiry, the investigator or the court must ensure that the victim is represented by a lawyer. In this case, the costs of engaging the lawyer will be covered by the federal budget.

130. To protect the privacy of victims who are minors, it is prohibited under article 161 (3) of the Code of Criminal Procedure to disclose data on the personal lives of participants in criminal proceedings without their consent or, in the case of victims who are minors aged under 14, without the consent of their legal representative.

131. Article 191 of the Code establishes specific procedures for the conduct of interviews, confrontations of witnesses, identity parades and verification of evidence involving the participation of minors.

132. For example, in accordance with paragraph 1 of this article, an educator or psychologist must be present during the conduct of interviews, confrontations of witnesses, identity parades and verification of evidence involving the participation of a minor victim or witness who is aged under 16 or who has reached 16 years of age but is suffering from a

mental disorder or developmental delay. If these investigative activities involve the participation of a minor who has reached 16 years of age, an educator or psychologist may be invited to be present at the investigator's discretion. If the victim or witness is aged under 7, these investigative activities must not be continued for more than 30 minutes without a break or for more than one hour altogether; if the minor is aged between 7 and 14, they must not be continued for more than one hour without a break or for more than two hours altogether; and, if the minor is aged over 14, they must not be continued for more than two hours without a break or more than four hours per day altogether. The legal representative of the minor victim or witness is entitled to be present during these investigative activities.

133. Under article 191 (4), in criminal cases involving offences against the sexual inviolability of a minor, a psychologist must be present during the conduct of interviews, confrontations of witnesses, identity parades and verification of evidence involving the participation of a minor victim or witness who is aged under 16 or who has reached 16 years of age but is suffering from a mental disorder or developmental delay.

134. The use of video recording or filming is compulsory during the investigative activities specified in chapter 26 of the Code of Criminal Procedure where the participation of a minor victim or witness is involved, except in cases where the minor victim or witness or the minor's legal representative objects. Videoed or filmed materials are kept in the criminal case files (Code of Criminal Procedure, art. 191 (5)).

135. Under the Code, a minor victim or witness or his or her legal representative has the right to object to the consideration of a criminal case by a court under the special procedure (Code of Criminal Procedure, art. 219 (4)).

136. In accordance with article 241 (2) (3) of the Code, if the consideration of a criminal case involving offences against the sexual inviolability and sexual freedom of an individual or other offences may lead to the disclosure of information about intimate aspects of the lives of the participants in the criminal proceedings or information that is damaging to their honour and dignity, the trial may be held in camera on the basis of a decision or ruling by the court to that effect.

137. There are also specific procedures for examining minor victims and witnesses in court: an educator must be present, and the examination of the minor victim or witness may take place without the defendant being present (Code of Criminal Procedure, art. 280).

138. In particular, article 280 (1)–(3) provides that, if a victim or witness aged under 14 is being examined or, at the discretion of the court, a victim or witness aged between 14 and 18, an educator must be present. The examination of minor victims and witnesses with physical or mental disabilities always takes place in the presence of an educator.

139. To protect the rights of minors, at the request of the parties or on the initiative of the court, victims or witnesses who have not reached 18 years of age may be examined without the defendant being present, in which case the court must hand down a decision or ruling to that effect. After the defendant returns to the courtroom, he or she must be informed of the testimony given by such persons and have an opportunity to put questions to them (Code of Criminal Procedure, art. 280 (6)).

140. Furthermore, testimony given by a minor victim or witness previously during a preliminary investigation or trial must be read out, photographic negatives, photographs or slides made during interviews must be shown and audio or video recordings or film of interviews must be played back in court without the minor victim or witness being present and without him or her being examined (Code of Criminal Procedure, art. 281 (6)).

141. In accordance with article 313 (5) of the Code of Criminal Procedure, if, before the conclusion of oral arguments, the victim or his or her legal representative expresses the wish to be informed, without fail, about the admission to a custodial facility of a person sentenced to deprivation of liberty, about occasions when the convict is permitted to leave the custodial facility and about the convict's release date, the court, at the same time as it hands down the judgment of conviction, must issue a decision or ruling concerning notification of the victim or his or her legal representative, a copy of which is sent, together

with a copy of the judgment of conviction, to the institution or body responsible for enforcing the sentence.

142. In addition, under article 11 (3) of the Code of Criminal Procedure, where there is sufficient evidence that a victim, witness or other participant in criminal proceedings or the family members, relatives or loved ones of such a person are at risk of murder, violence, destruction of or damage to property or other dangerous illegal acts, the court, procurator, head of the investigative agency or investigator, body conducting the initial inquiry, head of that body, head of the unit conducting the initial inquiry or person conducting the initial inquiry must, within the limits of their competence, take the measures provided for in articles 166 (9), 186 (2), 193 (8), 241 (2) (4) and 278 (5) of the Code of Criminal Procedure to protect the safety of the aforementioned persons and other safety measures provided for in national legislation.

Notes

143. The following error in the list contained in paragraph 185* of the report needs to be corrected: liability for the production and circulation of materials or articles containing pornographic images of minors is incurred under article 242.1 of the Criminal Code (not article 242.2), the content of which is described in paragraph 205** of the report.

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* Translator's note: the reference should be to paragraph 189.

** Translator's note: the reference should be to paragraph 212.